HONOURABLE SRI JUSTICE R. SUBHASH REDDY

W.P.No.19566 OF 2006

DATE: 20.09.2006

Between:

Fisherman Co-operative Society, Anajupuram,
Penpahad Mandal, Nalgonda District,
represented by its President Kasa Boina Laxmaiah

.... Petitioner

And:

The Deputy Director of Fisheries, Nalgonda,
Nalgonda District and 2 others.

.... Respondents

ORDER:

This writ petition has been filed seeking Mandamus to declare the action of the third respondent in issuing the tender notice vide Notice No.1/FDO/S/2006, dated 15.09.2006 as arbitrary, illegal and contrary to the spirit of Andhra Pradesh Cooperative Societies Act, 1964 (hereinafter referred to as 'the Act' for brevity).

Heard the learned counsel for the petitioner and the learned Government Pleader for the respondents.

The petitioner society has questioned the auction notice mainly on the ground that no auction can be conducted in the month of September, 2006, for disposal of fishery wealth of the year 2005-2006. It is stated that the said sale is intended only to favour some persons of his notice, by the first respondent.

The impugned notice of auction is issued pursuant to the

directions of this Court in the earlier Writ Petition No.11978 of 2006. Fishery year starts from first July and ends by 30th June of the succeeding year. In the earlier writ petition, it was the case of the petitioner society that lease was granted on 28-6-2006, without giving any breathing time for fishing. But, however, when it was brought to the notice of this Court by the learned Government Pleader that the members of the Managing Committee were not distributing profits to the members of the Society, directions were issued in the earlier writ petition for selling fishery wealth and to distribute the profits to the members of the Society. As much as the tender notice is issued to dispose of the fishery wealth by open auction, there is no basis for the apprehension of the petitioner that the said sale is intended to favour some persons of is choice by the first respondent. In that view of the matter, I do not find any illegality in issuing the auction notice, as much as the same is issued pursuant to the directions of this Court in the earlier writ petition.

The writ petition is devoid of merits and the same is accordingly dismissed at the stage of admission. No costs.

R. SUBHASH REDDY, J

Date: 20.09.2006

Ksn/Msnr